

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
OCT 30 2008
CLERK, U.S. DISTRICT COURT
By _____
Deputy

KENNETH RAY SOWELL, PRO SE, §
also known as §
KENNETH SOWELL, §
TDCJ-CID # 1322390, §
Previous TDCJ-CID No. 678664, §
Previous TDCJ-CID No. 976331, §
§
§ Plaintiff, §
§ v. § 2:08-CV-0073
§ §
§ LESLIE K. WELLS and §
§ MATTHEW N. GILLIAM, §
§
§ Defendants. §

ORDER OF DISMISSAL

Plaintiff KENNETH RAY SOWELL, also known as KENNETH SOWELL, acting pro se and while a prisoner confined in the Texas Department of Criminal Justice, Correctional Institutions Division, filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-named defendants and was granted permission to proceed *in forma pauperis*.

On September 29, 2008, a Report and Recommendation was issued by the United States Magistrate Judge recommending dismissal of the instant cause with prejudice as frivolous and without prejudice for failure to state a claim on which relief can be granted.

The period for response has expired, and no objections have been filed by plaintiff.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that

the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS THEREFORE ORDERED that the Civil Rights Complaint by plaintiff KENNETH RAY SOWELL is DISMISSED WITH PREJUDICE AS FRIVOLOUS AND WITHOUT PREJUDICE FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Any pending motions are DENIED.

The Clerk shall send a copy of this Order to plaintiff and to any attorney of record.

IT IS SO ORDERED.

ENTERED this 30th day of October, 2008.



MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE